

May 3 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANAIN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA 10-0162

Jock B. West
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FREDERICK HARMON AND
MADELENA HARMON

Plaintiffs and Appellees.

vs.

FISCUS REALTY, INC.,

Defendant and Appellant.

**MOTION REQUESTING APPOINTMENT
OF JOINTLY SELECTED MEDIATOR**

COMES NOW the Appellant, Fiscus Realty Inc., by and through its attorney of record, Jock B. West, and requests the Court to appoint Kevin T. Sweeney of Billings, Montana as Mediator in the above entitled matter. The parties did not alert the Court pursuant to the Montana Rules of Appellate Procedure, 7(4) (c) . The Court thereby appointed Ross W. Cannon of Helena, Montana to be the mediator on the case. Mr. Cannon has been contacted and has no objections to being substituted with Kevin T. Sweeney.

The parties involved with this appeal, by and through their counsel of record, Benjamin J. LaBeau and Calvin J. Stacey have no objections to the substitution

DATED this 30th day of April 2010.

Jock B. West
Jock B. West, Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing **MOTION REQUESTING APPOINTMENT OF JOINTLY SELECTED MEDIATOR** with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing **MOTION REQUESTING APPOINTMENT OF JOINTLY SELECTED MEDIATOR** upon each attorney of record, and each party not represented by an attorney in the above-referenced District Court Action, as follows:


Benjamin J. LaBeau
LaBeau Law Firm
1645 Avenue D, Suite B
Billings, MT 59102

Calvin J. Stacey
Stacey & Funyak
P.O. Box 1139
Billings, MT 59103

Ross W. Cannon
111 N. Last Chance Gulch, Suite 2D
P.O. Box 5717
Helena, MT 59604

DATED this 30th day of April, 2010.

By:


For West Law Firm, P.C.